



Entered on Docket  
August 30, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Sixth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Tapia Ranch Loan;  
Except for Morris Massry Proof of claim,  
and Notice of Continued Hearing on  
Morris Massry Proof of Claim**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Sixth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Tapia Ranch Loan" ("Tapia Ranch Loan") [DE 8527] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; having considered the response filed by Morris Massry [DE 8668], no other responses to the

1 Objection having been filed; the Court noting on the record that the disallowance of the  
2 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the  
3 borrower or from the collateral securing the Tapia Ranch Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8527] is sustained; and
- 6 2. The claims listed on **Exhibit A** attached, except for Claim 10725-01898 filed  
7 by Morris Massry, are disallowed to the extent those claims are based upon an investment  
8 in the Tapia Ranch Loan,
- 9 3. The hearing on proof of claim No. 10725-01898 filed by Morris Massry is  
10 continued to August 30, 2011 at 10:30 a.m. and notice is hereby given.

11  
12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14  
15 By /s/ John Hinderaker (AZ #018024)

16 Robert M. Charles, Jr.

17 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Morris Massry</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

s/ Erika C Browne

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 Attorneys for Morris Massry

1 Submitted by:  
2 LEWIS AND ROCA LLP

3 By: /s/ John Hinderaker. (AZ #018024)  
4 Attorneys for USACM Liquidating Trust

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